

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
\$6,663.00 IN UNITED STATES CURRENCY)
SEIZED FROM MICHAEL JELINSKY)
LOCATED AT 11282 MERADO PEAK DRIVE,)
AND ON THE PERSON OF MICHAEL)
JELINSKY, AND IN THE CONTROL OF)
MICHAEL JELINSKY,)
)
Defendant.)

**THE UNITED STATES OF AMERICA’S UNOPPOSED APPLICATION TO EXTEND
THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST
THE \$6,663.00 IN UNITED STATES CURRENCY
(First Request)**

The United States of America (“United States”), by and through Gregory A. Brower, United States Attorney, and Daniel D. Hollingsworth, Assistant United States Attorney, and Michael Jelinsky (“Jelinskys”), by and through his attorney, Richard Barnett, and Barbara Jelinsky (“Jelinskys”), by and through her attorney, Gerald B. Lefcourt, respectfully apply for an extension of time until and including May 30, 2008, pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture In Rem against the \$6,663.00 in United States Currency seized from Michael Jelinsky. The Complaint is currently due April 2, 2008.

1 The grounds for this unopposed application are counsel for the United States and counsel for
2 the Jelinskys have agreed to the extension.

3 This Unopposed Application is made and is based on this Unopposed Application, and the
4 attached Memorandum of Points and Authorities.

5 DATED this 7th day of March, 2008.

6 GREGORY A. BROWER
7 United States Attorney

8 /s/DanielDHollingsworth
9 DANIEL D. HOLLINGSWORTH
10 Assistant United States Attorney
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Statement Of Facts**

3 On or about September 27, 2007, the Immigration and Customs Enforcement (“ICE”) in Las
4 Vegas, Nevada executed a search and seizure warrant at 11282 Merado Peak Drive, Las Vegas,
5 Nevada and seized a cashiers check for \$6,663.00 in United States Currency.

6 On or about December 3, 2007, the Customs and Border Protection Office of Fines, Penalties
7 & Forfeitures (“FP&F”) mailed notice of seizure certified return receipt requested.

8 On January 3, 2008, FP&F received a claim requesting judicial action from Michael Jelinsky
9 and Barbara Jelinsky.

10 On March 6, 2008, Richard Barnett, Michael Jelinsky’s attorney, and Gerald Lefcourt,
11 Barbara Jelinsky’s attorney, agreed to the extension of time and authorized counsel for the United
12 States to file this Unopposed Application with this Court. Richard Barnett and Gerald Lefcourt need
13 time to discuss with the case with the Jelinskys.

14 **II. ARGUMENT**

15 This Court should grant this application for an extension of time to file the Civil Complaint
16 For Forfeiture In Rem against the \$6,663.00 in United States Currency under 18 U.S.C. §
17 983(a)(3)(A), which states:

18 [T]he Government shall file a complaint for forfeiture in the manner
19 set forth in the Supplemental Rules for Certain Admiralty and
20 Maritime Claims . . . , a court in the district in which a complaint will
be filed may extend the period for filing a complaint for good cause
shown or *upon agreement of the parties*. (emphasis added)

21 A district court has the authority under § 983(a)(3)(A) to extend the period for filing a Civil
22 Complaint For Forfeiture In Rem. On March 6, 2008, counsel for the Jelinskys agreed to the
23 extension of time and authorized counsel for the United States to file this Unopposed Application with
24 this Court. Because the parties have agreed to the extension of time to file a Civil Complaint For
25 Forfeiture In Rem, this Court should extend the time.

26 . . .

1 This Unopposed Application is not submitted solely for the purpose of delay or for any other
2 improper purpose.

3 **II. Conclusion**

4 This Court should grant an extension of time until May 30, 2008, pursuant to § 983(a)(3)(A),
5 for the United States to file a Civil Complaint For Forfeiture In Rem against the \$6,663.00 in United
6 States Currency seized from Michael Jelinsky located at 11282 Merado Peak Drive, and on the person
7 of Michael Jelinsky, and in the control of Michael Jelinsky, because the United States and counsel for
8 the Jelinskys have agreed to the extension of time.

9 DATED this 7th day of March, 2008.

10 Respectfully submitted,

11 GREGORY A. BROWER
12 United States Attorney

13 /s/DanielDHollingsworth
14 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

15 IT IS SO ORDERED.

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20 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

21 DATED: March 27, 2008
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